

REMARKS

In the Office Action mailed May 3, 2005, claims 1-4 and 6-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Stoddard, et al (U.S. Patent No. 5,222,600).

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Stoddard.

Claims 1-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Izzo (U.S. Patent No. 4,493,713) in view of Stoddard.

Applicants respectfully submit that claim 1 defines over Stoddard. Respectfully, Stoddard does not disclose an absorbent article package that has side edges sealed to pouch sides by heat, heat and pressure, pressure, or ultrasonic bonding. Support for this claim amendment may be found on at least page 9, lines 16-18 of Applicants' application.

Stoddard discloses an autoclave pouch into which medical instruments are placed and then in turn put into an autoclave for sterilization (see Stoddard at column 6, lines 12-14). The autoclave pouch is made of durable surgical or medical muslin or other suitable surgical material with a thread count of at least 160 or more threads per inch (see Stoddard at column 3, lines 4-7). The side edges 12 and 14 of the autoclave pouch are formed of open seams that are sewed closed, preferably by a serge-type stitch 30 that has about ten stitches per inch in order to prevent the surgical muslin from raveling (see Stoddard at column 3, lines 17-20). As such, the side edges 12 and 14 in Stoddard are specifically described as being sewn together. Claim 1 of Applicants' application calls for side edges that are sealed to pouch sides by heat, heat and pressure, pressure, or ultrasonic bonding. This type of sealing is not disclosed in

Stoddard which instead is explicitly directed towards sewing the side edges together.

Further, it would not have been obvious for one having ordinary skill in the art to modify Stoddard so that the side edges 12 and 14 were not sewn together, but instead sealed by either heat, heat and pressure, pressure, or by ultrasonic bonding. Stoddard is directed towards an autoclave pouch that seeks to avoid problems associated with prior pouches. Stoddard states that prior pouches are susceptible to being punctured or torn by sharp medical instruments such as scalpels and needles (see Stoddard at column 1, lines 54-57). Additionally, Stoddard states that prior autoclave pouches have their durability lessened by condensation of steam in the autoclave (see Stoddard at column 1, lines 58-61). Further, Stoddard seeks to avoid prior autoclave pouches that are disposable bags so as to decrease the amount of medical waste that is produced (see Stoddard at column 1, lines 64-67).

In order to avoid problems associated with prior autoclave pouches, Stoddard seeks to provide an autoclave pouch that is constructed of a durable fabric material capable of withstanding temperatures of the autoclave (see Stoddard at column, 2 lines 22-25). The material used in Stoddard is a durable surgical or medical muslin material with a thread count of at least 160 or more threads per inch (See Stoddard at column 3, lines 5-7). Applicants respectfully submit that it would not have been obvious for one having ordinary skill in the art to attach this type of material together through the use of heat, heat and pressure, pressure or ultrasonic bonding because doing so would produce a less effective or inoperable seal and would go against the teachings of the reference that explicitly calls for sewing at about ten stitches per inch to be used in order to effect attachment.

Muslin is a loosely woven, readily permeable, reusable fabric. Typically, muslin is made of cotton fabric. Applicants respectfully submit that it would not have been obvious for one having ordinary skill in the art to modify Stoddard so that the edges 12 and 14 of the muslin were attached to one another through heat, heat and pressure, pressure, or ultrasonic bonding. Respectfully, it would not have been obvious for one having ordinary skill in the art to attach two pieces of cotton fabric to one another through heat or the like. It is commonly known that in order to attach two pieces of fabric to one another, attachment methods such as stitches, buttons, hooks or snaps are employed. The use of heat and pressure or the like would not be effective in attaching cotton fabric as cotton, unlike plastic, typically does not have fibers that melt easily so as to form bonds. Cotton will burn if subjected to an amount of heat necessary to create an effective seal. An attachment mechanism involving heat or the like goes against the attachment mechanism explicitly taught in Stoddard. As such, Applicants respectfully submit that claim 1 defines over Stoddard.

As stated, claim 1 was rejected under 35 USC § 103(a) as being unpatentable over Izzo in view of Stoddard. Specifically, the Office Action stated that it would have been obvious to one having ordinary skill in the art to incorporate the panel closure taught by Stoddard into the pouch of Izzo so as to provide ease of use and the ability to open and re-use the pouch (see the second full paragraph on page 6 of the Office Action of May 3, 2005).

Applicants respectfully submit that it would not have been obvious for one having ordinary skill in the art to modify Izzo in view of Stoddard as suggested. Specifically, Izzo is directed towards a disposable diaper that incorporates a bag with a flap that has

an attachment strip to seal the flap closed after the flap is folded over the removable bag (see Izzo at column 2, lines 18-21). Further, Izzo explicitly states that it is an object of the invention to provide a disposable diaper in which the flap attachment is either by a loop pile fastener or by pressure sensitive adhesive (see Izzo at column 2, lines 22-25).

The closure taught by Stoddard does not incorporate loop pile fasteners or pressure sensitive adhesives, nor does the closure in Stoddard use an attachment strip to seal the flap. As such, if one were to incorporate the closure of Stoddard into the disposable diaper of Izzo, the resulting device would render Izzo unsatisfactory for its intended purpose as the resulting device would not include an attachment strip to seal the flap, a loop pile fastener, or a pressure sensitive adhesive. If a proposed modification would render the reference being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. As such, Applicants respectfully submit that it would not have been obvious for one having ordinary skill in the art to combine Stoddard into Izzo as such a combination would frustrate the intended objects of the invention in Izzo.

Further, even if Stoddard was combined with Izzo, the resulting combination would still fail to disclose the absorbent article package set forth in claim 1. In order to establish *prima facie* obviousness of a claimed invention, all of the claim elements must be taught or suggested by the combination of references. Here, the combination of Stoddard and Izzo fails to disclose an absorbent article package as set forth in claim 1 of Applicants' application that has side edges sealed to the pouch sides by heat, heat and pressure, pressure, or ultrasonic bonding. Izzo fails to disclose how the side edges

of the removable bag 16 are formed. Stoddard as discussed above, explicitly teaches the use of serge-type stitching having about ten stitches per inch in order to seal the side edges 12 and 14. If the closure of Stoddard were incorporated into the disposable diaper of Izzo, the resulting device would include side edges that are stitched and not sealed by heat, heat and pressure, pressure, or ultrasonic bonding. Therefore, Applicants respectfully submit that claim 1 defines over the combination of Izzo in view of Stoddard and is in condition for allowance. Further, all claims that depend from claim 1 (claims 2-8) are also in condition for allowance. The rejections to claims 2-8 are made moot due to the allowance of claim 1.

Claim 9 was rejected under 35 USC § 102(b) as being anticipated by Stoddard and claim 9 was rejected under 35 USC § 103(a) as being unpatentable over Izzo in view of Stoddard. Claim 9 calls for an absorbent article package that includes a portion of a wrapper material that has sides bonded to sides of the wrapper material configured into a pouch by heat, heat and pressure, pressure, or ultrasonic bonding. As such, Applicants respectfully submit that claim 9 defines over Stoddard and the combination of Izzo in view of Stoddard for essentially the same reasons as discussed above with respect to claim 1 and is in condition for allowance. Further, all claims that depend from claim 9 (claims 10-13) are also in condition for allowance. The rejections to claims 10-13 are made moot due to the allowance of claim 9.

Applicants respectfully submit that all claims are allowable and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at her convenience in order to resolve any remaining issues.

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Respectfully submitted,

DORITY & MANNING,
ATTORNEYS AT LAW, P.A.

Neal Pierotti

Neal Pierotti
Reg. No. 45,716
P.O. Box 1449
Greenville, SC 29602-1449
Telephone: (864) 271-1592
Facsimile: (864) 233-7342